

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

US EPA RECORDS CENTER REGION 5



515967

NOTICE OF ASSIGNMENT OF

CIVIL CASES FOR TRIAL

The following civil actions are set for trial before Judge Paul A. Magnuson at the United States Courthouse, 316 North Robert Street, 7th Floor, Courtroom #3, St. Paul, Minnesota 55101. These cases are scheduled for trial on and after Monday, November 4, 1985, at 9:00 a.m. The cases are listed in the order in which they are expected to be tried. Be aware, however, that your case may be called out of order, and criminal trials take precedence over civil trials. DO NOT REPORT UNTIL NOTIFIED BY THE CALENDAR CLERK.

Counsel have the responsibility to stay in contact with other counsel as to the progress of all cases which are scheduled ahead of theirs. For the convenience of counsel, the names and telephone numbers of counsel in all cases are listed on the attached sheets. Your case will be tried as soon as possible and should be kept on a "ready" basis.

Counsel are directed to the Local Rules for the District of Minnesota, specifically, Rule 9 regarding Trial Practice. A copy of Rule 9 is attached for your convenience. Please read this rule carefully and comply with it fully as you prepare for trial. Counsel are reminded that an original and one copy of the pretrial submissions referred to in Rule 9, Section II, are to be delivered to Judge Paul A. Magnuson's chambers, Room 754, by the close of business, Thursday, October 24, 1985. Counsel MUST PREMARK ALL EXHIBITS to be used or introduced at trial in the manner indicated in Rule 9. Blank exhibit lists are attached for your convenience and must be used when compiling your exhibit list.

Questions regarding the calendar may be directed to Rosemarie R. Johnson, Calendar Clerk to Judge Magnuson, 316 North Robert Street, 708 Federal Building, St. Paul, Minnesota 55101 - (612) 725-7178.

Dated: October 3, 1985.

CIVIL TRIAL CALENDAR BEFORE JUDGE PAUL A. MAGNUSON
COMMENCING ON MONDAY, NOVEMBER 4, 1985

#1	Texas International Airlines	<u>COURT TRIAL</u>
v.	Civil 3-81-983	Re: Contract
	Consolidated Financial Corp., R. F. Newstrum, Tropicana, Deil O. Gustafson & R. Carlson	ELOT: 1-2 days
	FOR PLAINTIFF: Arthur L. Doten/ Howard Bergman	371-5300
	FOR DEFENDANT: Joe Walters/Frank Walz	341-3800

#2	James A. Giovanini	<u>COURT TRIAL</u>
v.	Civil 3-82-1244	Re: Labor/Management Relations; Discrimination
	Northwestern Bell Telephone Company & Communications Workers of America Local 7200	ELOT: 2-3 days
	FOR PLAINTIFF: Daniel D. Reisman	333-3343
	FOR DEFENDANT: George Carlson Stephen D. Gordon/Jan D. Halverson	344-6565 224-5884

#3	U.S.A.	<u>COURT TRIAL</u>
v.	Civil 3-82-1288	Re: Mortgage Foreclosure
	Allen E. Berens, et al	ELOT: 2 days
	FOR PLAINTIFF: Mary Carlson	332-8961
	FOR DEFENDANT: David Minge	(612) 269-6461

#4	Midway National Bank of St. Paul	<u>JURY TRIAL</u>
v.	Civil 3-82-1496	Re: Insurance - aircraft lost or stolen
	Federal Insurance Company	ELOT: 2-5 days
	FOR PLAINTIFF: Lawrence R. King/ John S. Mathias	227-9411
	FOR DEFENDANT: William G. Flaskamp/ Charles Spevacek	338-0661

(CIVIL TRIAL CALENDAR BEFORE JUDGE MAGNUSON - MONDAY, NOVEMBER 4, 1985)
(CONTINUED)

#5	Union Manufacturing Co.	<u>JURY TRIAL</u>
v.	Civil 3-82-1500	Re: Trademark
	Shinyang Electric Co., Ltd., Montgomery Ward and United Import, Inc.	ELOT: 1 week
FOR PLAINTIFF:	Frederick E. Lange/ David R. Fairbairn John M. Calimafde/ Paul T. Meiklejohn	339-1863 (212) 986-2480
FOR DEFENDANT:	Alan G. Carlson/ Charles L. Dennis, II Gerald E. Frisch	332-5300 690-1591

#6	Dataserv Equipment	<u>COURT TRIAL</u>
v.	Civil 3-82-1520	Re: Suit to recover payments due under a lease
	Collis and Associates	ELOT: 3 days
FOR PLAINTIFF:	Robert R. Barth/ Erica S. Lauer	339-7121
FOR DEFENDANT:	Perry M. Wilson, III	340-2600

#7	Tri-Fab Sales Representation Co.	<u>COURT TRIAL</u>
v.	Civil 3-82-1546	Re: Contract
	Rausch Manufacturing Co., Inc.	ELOT: 1 day
FOR PLAINTIFF:	Mark P. Wine/A. Reid Shaw	332-6451
FOR DEFENDANT:	Terence P. Durkin	291-1717

#8	U.S.A.	<u>COURT TRIAL</u>
v.	Civil 3-82-1595	Re: HUD loan default
	Albert E. and Alice M. Weltikol	ELOT: ½ day
FOR PLAINTIFF:	Robert M. Small	332-8961
FOR DEFENDANT:	James R. Coleman, Jr. (612)	257-5008

(CIVIL TRIAL CALENDAR BEFORE JUDGE MAGNUSON - MONDAY, NOVEMBER 4, 1985)
(CONTINUED)

#9	Fixtures Manufacturing Company	<u>COURT TRIAL</u>
v.	Civil 4-81-532	Re: Patent Infringement
	Wenger Corporation	ELOT: 5 days
FOR PLAINTIFF:	Alan G. Carlson/Albert L. Underhill	332-5300
	Malcolm A. Litman/Mark E. Brown	(816) 842-1587
FOR DEFENDANT:	Ronald J. Brown	340-2879

#10	Lawrence E. Hahn	<u>JURY TRIAL</u>
v.	Civil 3-82-1678	Re: Taxes
	U.S.A., Tolzman Construction and Craig Tolzman	ELOT: 1 day
FOR PLAINTIFF:	G. Martin Johnson	338-4850
FOR DEFENDANT:	James Brandt	(507) 931-6940
	Lynn Zentner	332-8961
	Beth A. Sabbath	(202) 724-6494

#11	Teresa A. Maiers	<u>JURY TRIAL</u>
v.	Civil 3-82-187	Re: Age and sex discrimination
	International Multifoods	ELOT: 4 days
FOR PLAINTIFF:	Frank J. Belline	(312) 325-9666
	Robert L. Shutes	871-8910
FOR DEFENDANT:	Stephen M. Murray	(312) 443-0493
	John D. Levine/	340-2680
	Michael Pysno	

#12	Charles, Corrine, Shannon and Charles, Jr., McCarty	<u>JURY TRIAL</u>
v.	Civil 3-84-353	Re: Personal Injury-motor vehicle
	William J. Gibbs	ELOT: 3-5 days
v.	Seton Mobil Service	
FOR PLAINTIFF:	James R. Bresnahan	298-1950
FOR DEFENDANT:	Timothy P. Tobin	544-8036
3rd PARTY DEFT:	Patrick S. Scallen/	830-1542
	Link S. Deter	

(CIVIL TRIAL CALENDAR BEFORE JUDGE MAGNUSON - MONDAY, NOVEMBER 4, 1985)
(CONTINUED)

#13	Robert & Porter, Inc.	<u>JURY TRIAL</u>
v.	Civil 3-84-1666	Re: Trade Secrets
	Mallard Ink Company, Thomas Burke, Gordon Lee, Michael Lewis & Robert Ritchard	ELOT: 1-3 weeks
FOR PLAINTIFF:	Joseph T. Dixon David M. Bernick	339-2500 (312) 861-2000
FOR DEFENDANT:	Douglas R. Rainbow/ C. Blaine Harstad	338-7811

#14	Bongard Sales, Inc.	<u>COURT TRIAL</u>
v.	Civil 3-84-606	Re: Breach of contract
	J. C. Penney Company, Inc.	ELOT: 2-4 days
FOR PLAINTIFF:	Leonard Rose Robert A. Schwartzbauer	(816) 531-7175 340-2782
FOR DEFENDANT:	Robert K. Hood Robert A. Brunig	(212) 957-7676 343-1206

#15	Ford Motor Company	<u>COURT TRIAL</u>
v.	Civil 3-85-865	Re: Copyright
	B & H Supply, Inc., et al	ELOT: 2-4 days
FOR PLAINTIFF:	Warren R. Spannaus/ Janet Sanderson W. Thomas Hofstetter Clifford L. Sadler	340-2600 (312) 641-1500
FOR DEFENDANT:	Malin D. Greenberg Timothy B. Poirier/ William J. Hanley James William Hunter	545-1621 872-0222 874-6426

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(CIVIL TRIAL CALENDAR BEFORE JUDGE MAGNUSON - MONDAY, NOVEMBER 4, 1985)
(CONTINUED)

#16	U.S.A. and State of Minnesota, et al	<u>JURY TRIAL</u>
v.	Civil 4-80-469	Re: Environmental
	Reilly Tar, et al	ELOT: 3 months or more
FOR PLAINTIFF:	Francis X. Hermann	332-8961
	George Henderson, DOJ	
	Stephen Shakman/	296-7342
	Lisa Tiegel/Dennis Coyne	
	Wayne G. Popham/Allen	296-7342
	Hinderaker/Kathleen Martin	
	Jerre A. Miller	938-7635
	David Hird	(202) 633-5466
	Robert Leininger	
	Gary Hansen	222-1501
FOR DEFENDANT:	Edward J. Schwartzbauer/	340-2825
	William J. Keppel/	340-2745
	Michael J. Wahoske	340-8755
	Thomas W. Wexler	338-6743
	Laurance R. Waldoch	371-3211
	James Swenson	333-1341
SPECIAL MASTER:	Crane Winton	

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RULE 9

TRIAL PRACTICE

I. TRIAL SETTING

Each Judge shall notify counsel in cases set on the Judge's calendar at least twenty-one (21) days in advance of the date the first case on the civil calendar is to be called. Cases on such calendar may be called on a peremptory basis. For information on calendar matters, counsel shall contact the calendar clerk of the Judge who is to try the case.

II. PROCEDURES FOR JURY AND COURT TRIALS BEFORE THE JUDGES AND MAGISTRATES

Unless otherwise ordered, counsel shall deliver one copy of the following documents to opposing counsel and two copies to the Judge's Chambers no later than ten (10) days before the first case on the civil calendar is to be called for trial:

A. ALL TRIALS

1. STATEMENT OF THE CASE.
2. EXHIBIT LIST:

A list of exhibits shall be prepared on a form to be obtained from the Clerk of Court. All exhibits shall be marked for identification with arabic numbers and shall include the case number.

Example: Pltf. or Deft. #1.
Civ. 3-84-2

(Multiple parties state name e.g. Pltf. Smith #1)

These exhibits shall be made available for examination and copying no less than fourteen (14) days prior to the date the first case on the civil calendar may be called for trial.

3. WITNESS LIST: The list shall include a short statement of the substance of the testimony of each witness.
4. LIST OF DEPOSITION TESTIMONY: The list shall designate those specific parts of deposition to be offered at trial. Any party who wishes to object to deposition testimony shall submit a list of objections no fewer than 5 days before the first case on the civil calendar is to be called for trial.

B. JURY TRIALS

In addition to the documents listed in Rule 9(II)(A), counsel shall submit following documents in all jury trials.

1. Proposed Voir Dire Questions.
2. Proposed Jury Instructions: Each proposed instruction shall be numbered and on a separate page and shall contain citation to legal authority.
3. Proposed Special Verdict Forms.

C. NON-JURY TRIALS

In addition to the documents listed in Rule 9(II)(A), counsel shall submit proposed findings of fact and conclusions of law.

III. FAILURE TO COMPLY

For failure to comply with the provisions of this Rule, the court may exclude exhibits, prevent a witness from testifying, or issue any other order the court deems appropriate.

IV. LOCAL RULE SUPERSEDES PRIOR COURT ORDERS

this Local Rule for Trial Practice supersedes and replaces the Judges' and Magistrates' prior trial practice standing orders dated prior to the effective date of this rule.

*Include a notation as to the location of any exhibit not held with the case file or not available because of size.

